

# FAYE D. ENGLISH

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## **SAFE HARBOR BUDGET FIGURES FROM MEANS TEST**

### **A. 401k or Other Voluntary Retirement Contributions – All Cases**

A maximum contribution of 3% of gross pay, per debtor to a 401k or voluntary retirement plan for Chapter 13 plans with a distribution of 25% or less to unsecured creditors.

A maximum contribution of 4% of gross pay, per debtor to a 401k or voluntary retirement plans for Chapter 13 plans with greater than a 25% distribution to unsecured creditors.

A maximum contribution of 5% of gross pay, per debtor to a 401k or voluntary retirement plans with greater than a 50% distribution to unsecured creditors.

A maximum contribution of 6% of gross pay, per debtor to a 401k or voluntary retirement plans with greater than a 75% distribution to unsecured creditors.

Contributions to the tax deductible limit to a 401k for plan or voluntary retirement plans with a 100% distribution to unsecured creditors.

Exception 1. Loan payments together with 401k contributions should never exceed 8% of gross income and 401k contributions must be curtailed to this limit unless there is a 100% plan. Loan payments may exceed the 8% limit but no 401k contribution will be allowed.

Exception 2. This does not replace our policy that we do not allow disproportionate 401k contributions where a debtor has not proportionally contributed to a 401k in the last six months.

This is effective for all cases confirmed or modified after April 1, 2013.

### **B. Family of One – Safe Harbor - Applicable Median Family Income \$54,877.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,178.07 (based on median income of \$54,877.00, single filing status).

Expenses-

- |   |            |
|---|------------|
| 1. For all expenses with no residence/no car in plan      | \$3,327.00 |
| 2. For all expenses with residence in plan/no car in plan | \$2,258.00 |

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|--|------------|
| 3. For all expenses with only a car in plan/no residence in plan | \$3,027.00 |
| 4. For all expenses with residence and car in plan               | \$1,958.00 |

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,069.00 (number 1 and 3 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$75.00 monthly.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**C. Family of Two (Debtor and Child) – Safe Harbor - Applicable Median Family Income \$70,209.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,322.93 (based on median income of \$70,209.00, head of household filing status).

Expenses-

- |   |            |
|---|------------|
| 1. For all expenses with no residence/no car in plan      | \$4,313.00 |
| 2. For all expenses with residence in plan/no car in plan | \$3,057.00 |
| 3. For all expenses with car in plan/no residence in plan | \$4,013.00 |
| 4. For all expenses with residence and car in plan        | \$2,757.00 |

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,256.00 (number 1 and 3 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$150.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 for any child under the age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**D. Family of Two (Joint Debtors or Non-filing spouse - No Children) – Safe Harbor - Applicable Median Family Income \$70,209.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,280.15 (based on median income of \$70,209.00, joint filing status).

1. For all expenses with no residence/no car in plan	\$5,141.00
2. For all expenses with residence in plan/no car in plan	\$3,885.00
3. For all expenses with one car in plan/no residence in plan	\$4,841.00
4. For all expenses with two cars in plan/no residence in plan	\$4,541.00
5. For all expenses with residence and a car in plan	\$3,585.00
6. For all expenses with residence and two cars in plan	\$3,285.00

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,256.00 (number 1, 3, 4 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$150.00 monthly.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**E. Family of Three (Debtor and Two Children) – Safe Harbor - Applicable Median Family Income \$82,734.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,583.60 (based on median income of \$82,734.00, head of household filing status).

Expenses-

- |  |            |
|--|------------|
| 1. For all expenses with no residence/no car in plan           | \$4,691.00 |
| 2. For all expenses with residence in plan/no car in plan      | \$3,368.00 |
| 3. For all expenses with car paid in plan/no residence in plan | \$4,391.00 |
| 4. For all expenses with residence and car paid in plan        | \$3,068.00 |

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,323.00 (number 1 and 3 only)

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$225.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 for child under age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**F. Family of Three (Joint Debtors or Non-filing spouse – One Child) – Safe Harbor - Applicable Median Family Income \$82,734.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,433.94 (based on median income of \$82,734.00, joint filing status).

1. For all expenses with no residence/no car in plan	\$5,519.00
2. For all expenses with residence in plan/no car in plan	\$4,196.00
3. For all expenses with a car paid in the plan/no residence in plan	\$5,219.00
4. For all expenses with two cars in the plan/no residence in plan	\$4,919.00
5. For all expenses with residence and a car in plan	\$3,896.00
6. For all expenses with residence and two cars in plan	\$3,596.00

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,323.00 (number 1, 3, 4 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$225.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**G. Family of Four (Debtor and Three Children) – Safe Harbor - Applicable Median Family Income \$100,693.00**

Income taxes (i.e. no tax calculation required by case administrator) \$2,054.16 (based on median income of \$100,693.00, head of household filing status).

Expenses-

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|---|------------|
| 1. For all expenses with no residence/no car in plan            | \$5,289.00 |
| 2. For all expenses with residence paid in plan/no car in plan  | \$3,814.00 |
| 3. For all expenses with car paid in plan/no residence in plan. | \$4,989.00 |
| 4. For all expenses with residence and car paid in plan         | \$3,514.00 |

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,475.00 (number 1 and 3 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$300.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**H. Family of Four (Joint Debtors or Non-filing spouse – Two Children) – Safe Harbor - Applicable Median Family Income \$100,693.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,754.79 (based on median income of \$100,693.00, joint filing status).

1. For all expenses with no residence/car(s) in plan	\$6,117.00
2. For all expenses with residence in plan/no car(s) in plan	\$4,642.00
3. For all expenses with a car paid in the plan/no residence in plan	\$5,817.00
4. For all expenses with two cars in the plan/no residence in plan	\$5,517.00
5. For all expenses with residence and a car paid in plan	\$4,342.00
6. For all expenses with residence and two cars paid in plan	\$4,042.00

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,475.00 (number 1, 3, 4 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$300.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a Church or Religious Organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**I. Family of Five (Debtor and Four Children) – Safe Harbor - Applicable Median Family Income \$110,593.00**

Income taxes (i.e. no tax calculation required by case administrator) \$2,282.85 (based on median income of \$110,593, head of household filing status).

Expenses-

1. For all expenses with no residence/no car in plan	\$5,745.00
2. For all expenses with residence in plan/no car in plan	\$4,246.00
3. For all expenses with car in plan/no residence	\$5,445.00

4. For all expenses with residence and car in plan \$3,946.00

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,499.00 (number 1 and 3 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$375.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**J. Family of Five (Joint Debtors or Non-filing spouse – Three Children) – Safe Harbor - Applicable Median Family Income \$110,593.00**

Income taxes (i.e. no tax calculation required by case administrator) \$1,891.75 (based on median income of \$110,593.00, joint filing status).

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|--|------------|
| 1. For all expenses with no residence/no car in plan           | \$6,573.00 |
| 2. For all expenses with residence paid in plan/no car in plan | \$5,074.00 |
| 3. For all expenses with a car paid in the plan                | \$6,273.00 |
| 4. For all expenses with two cars in the plan                  | \$5,973.00 |
| 5. For all expenses with residence and a car paid in plan      | \$4,774.00 |
| 6. For all expenses with residence and two cars paid in plan   | \$4,474.00 |

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,499.00 (number 1, 3, 4 only).



Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$375.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**K. Family of Six (Debtor and Five Children) – Safe Harbor - Applicable Median Family Income \$120,493.00**

Income taxes (i.e. no tax calculation required by case administrator) \$2,575.44 (based on median income of \$120,493.00, head of household filing status).

Expenses-

1. For all expenses with no residence/no car paid in plan	\$6,164.00
2. For all expenses with residence in plan	\$4,665.00
3. For all expenses with car paid in plan.	\$5,864.00
4. For all expenses with residence and car paid in plan	\$4,365.00

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,499.00 (number 1 and 3 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$450.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a church or religious organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**L. Family of Six (Joint Debtors or Non-filing spouse – Four Children) – Safe Harbor - Applicable Median Family Income \$120,493.00**

Income taxes (i.e. no tax calculation required by case administrator) \$2,044.84 (based on median income of \$120,493.00, joint filing status).

1. For all expenses with no residence/no car in plan	\$6,992.00
2. For all expenses with residence in plan	\$5,493.00
3. For all expenses with a car in the plan	\$6,692.00
4. For all expenses with two cars in the plan	\$6,392.00
5. For all expenses with residence and a car in plan	\$5,193.00
6. For all expenses with residence and two cars in plan	\$4,893.00

**Monthly Additions to Safe Harbor: (limited to actual/documented expenses and subject to good faith limits).**

Mortgage and/or rent amount over \$1,499.00 (number 1, 3, 4 only).

Ongoing secured debt payments not included in mortgage such as additional mortgages, property taxes, and HOA fees.

All insurance on residence (homeowners or rental) not included in mortgage payment.

Medical above \$450.00 monthly.

Child care.

Child support, alimony, any court ordered payments.

Cell phone (\$50.00 per person over age of 12).

Term life insurance.

Educational expenses up to \$189.58 per child under age of 18.

Charitable giving to a Church or Religious Organization (not more than average giving over last twelve months and/or average of post-petition giving, whichever is lower).

Any other means test deductible expense: education for employment, support for a physically or mentally challenged child, support of elderly relatives, protection against family violence.

**M. Family size over six add \$419.00 per person to Family of Six Safe Harbor.**